

United States Senate

COMMITTEE ON FINANCE

WASHINGTON, DC 20510-6200

April 21, 2010

Via Electronic Transmission

Jason A. Helgersen
Medicaid Director
Wisconsin Division of Health Care Financing
State of Wisconsin
1 West Wilson Street
Madison, WI 53707

Dear Medicaid Director Helgersen:

In the United States, the federal and state governments spend roughly \$317 billion every year on the Medicaid program. As Ranking Member of the Senate Committee on Finance, I have an obligation to ensure that taxpayer dollars are appropriately spent on federal health care programs. Like the Medicare program, Medicaid suffers from systemic weaknesses that lead to fraud, waste, and abuse across the program, resulting in higher costs and less health care to those who are in need. The overutilization of prescription drugs, whether through drug abuse or outright fraud, plays a significant role in the rising cost of our healthcare system. The purpose of this letter is to request information regarding certain outliers in Wisconsin's Medicaid program and what steps Wisconsin takes to monitor rates of utilization.

In recent inquiries, I have asked the U.S. Department of Health and Human Services about physicians prescribing mental health drugs at astonishingly high rates. In addition to these concerns, a recent CNN report detailed the increasing abuse of OxyContin, Roxicodone, and Xanax. Specifically, the report described the role some pain management clinics and physicians play in the black market for these drugs. I write today to better ascertain how high rates of both mental health and pain medication utilization are affecting the Medicaid program, as well as how Wisconsin's rates compare to the national rates.

To that end, please provide charts that list of the top ten Medicaid prescribers of the following drugs for the years 2008 and 2009. For each prescriber, please provide his/her prescriber identifier, and the number of prescriptions written per drug per year, and the total amount billed to Medicaid per drug, separated for each year.

- Abilify;
- Geodon;
- Seroquel;
- Zyprexa;

- Risperdal;
- OxyContin;
- Roxicodone; and
- Xanax.

I thank you in advance for your cooperation and request that you provide the requested documents and written responses by no later than May 5, 2010. In your reply, please format information into a chart like the examples provided below. All formal correspondence should be sent electronically in PDF format to Brian_Downey@finance-rep.senate.gov or via facsimile to (202) 228-2131. Of course should you wish to discuss this matter further, please do not hesitate to contact Christopher Armstrong of my Committee staff at (202) 224-4515.

Sincerely,



Charles E. Grassley
Ranking Member

Attachment

Drug X, 2008

Prescriber Identifier	Total prescriptions	Total billed to Medicaid
123456789	25,000	250,000
234567891	24,000	240,000
345678912	23,000	230,000
456789123	22,000	220,000
567891234	21,000	210,000
678912345	20,000	200,000
789123456	19,000	190,000
891234567	18,000	180,000
912345678	17,000	170,000
012345678	16,000	160,000

Drug X, 2009

Prescriber Identifier	Total prescriptions	Total billed to Medicaid
123456789	25,000	250,000
234567891	24,000	240,000
345678912	23,000	230,000
456789123	22,000	220,000
567891234	21,000	210,000
678912345	20,000	200,000
789123456	19,000	190,000
891234567	18,000	180,000
912345678	17,000	170,000
012345678	16,000	160,000

From: Welsh, Diane M - DHS <Diane.Welsh@dhs.wisconsin.gov>
To: "'datasearch@earthlink.net'" <datasearch@earthlink.net>
Date: October 25, 2010 8:30:18 AM CDT
Subject: RE: Public Records Request - Wisconsin
Mr. Kramer:

As Mr. Helgerson indicated in his earlier messages, there was no additional correspondence with Senator Grassley. Hence, the Department has no further records that are responsive to your request.

The Department does not maintain a list of "the top ten Medicaid prescribers of Abilify, Geodon, Risperdal, Seroquel, Zyprexa, Xanax, etc for 2008 and 2009." Under Wisconsin's Public Records law, we are not required to create records that do not exist in response to requests. In other words, we did not create this list and therefore do not have it available to copy for you.

I believe Mr. Helgerson has fully responded to your request based on the Department's records.

Sincerely,

Diane Welsh

Diane Welsh
Chief Legal Counsel
Wisconsin Department of Health Services
(608) 266-1404

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From: [\[mailto:datasearch@earthlink.net\]](mailto:datasearch@earthlink.net)
Sent: Sunday, October 24, 2010 4:38 PM
To: Helgerson, Jason A - DHS
Cc: Welsh, Diane M - DHS; Hamilton, Rob E - DHS
Subject: RE: Public Records Request - Wisconsin

Mr. Helgerson?

From: datasearch@earthlink.net [\[mailto:datasearch@earthlink.net\]](mailto:datasearch@earthlink.net)
Sent: Friday, October 22, 2010 7:15 PM
To: 'Helgerson, Jason A - DHS'
Cc: 'Welsh, Diane M - DHS'; 'Hamilton, Rob E - DHS'
Subject: RE: Public Records Request - Wisconsin

Okay Mr. Helgerson,

Can you please provide a copy of the records that list " as asked for in the Senator's letter?

Sincerely,

Ken Kramer

From: Hamilton, Rob E - DHS [<mailto:Rob.Hamilton@dhs.wisconsin.gov>] **On Behalf Of** Helgerson, Jason A - DHS
Sent: Friday, October 22, 2010 5:36 PM
To: 'datasearch@earthlink.net'
Cc: Helgerson, Jason A - DHS; Welsh, Diane M - DHS; Hamilton, Rob E - DHS
Subject: RE: Public Records Request - Wisconsin

Mr. Kramer:

As indicated in my prior email message, there was no additional correspondence with Senator Grassley. Hence, we have no further records to provide to you.

Sincerely,

Jason A. Helgerson

From: datasearch@earthlink.net [<mailto:datasearch@earthlink.net>]
Sent: Thursday, October 21, 2010 5:14 PM
To: Hamilton, Rob E - DHS
Cc: Helgerson, Jason A - DHS; Welsh, Diane M - DHS
Subject: RE: Public Records Request - Wisconsin

Dear Mr. Helgerson,

Thank you for providing the attached correspondence from the Senator.

I asked to be provided a copy of the records sent to U.S. Senator Grassley regarding his request for the top ten Medicaid prescribers of Abilify, Geodon, Risperdal, Seroquel, Zyprexa, Xanax, etc for 2008 and 2009. In addition I asked that you provide the correspondence to Senator Grassley.

Please provide the additional public records I requested.

Sincerely,

Ken Kramer

Top of Form

From: Hamilton, Rob E - DHS <Rob.Hamilton@dhs.wisconsin.gov>

To: "datasearch@earthlink.net" <datasearch@earthlink.net>
CC: "Helgerson, Jason A - DHS" <JasonA.Helgerson@dhs.wisconsin.gov>, "Welsh, \ Diane M - DHS" <Diane.Welsh@dhs.wisconsin.gov>
Date: October 21, 2010 2:11:35 PM CDT
Subject: RE: Public Records Request - Wisconsin
Attachments: [2010-04-21 Letter to Wisconsin Medicaid \(2\).pdf](#)

Mr. Kramer:

The Division of Health Care Access and Accountability has received your request. Attached is the original request from Senator Grassley, received electronically on April 21, 2010.

At this time, this is the only correspondence the Division has had with Senator Grassly.

Thank you,

Jason A. Helgerson
Wisconsin Medicaid Director

-----Original Message-----

From: datasearch@earthlink.net [<mailto:datasearch@earthlink.net>]
Sent: Thursday, October 07, 2010 7:07 PM
To: Helgerson, Jason A - DHS
Subject: Public Records Request - Wisconsin

Dear Mr. Helgerson,

This is a request for public records.

Please provide a copy of the records sent to U.S. Senator Grassley regarding his request for the top ten Medicaid prescribers of Abilify, Geodon, Risperdal, Seroquel, Zyprexa, Xanax, etc for 2008 and 2009. In addition please provide the correspondence to and from Senator Grassley.

Please provide an electronic copy of these public records via e-mail.

Sincerely,

Ken Kramer